

MINUTES – REGULAR SESSION**PORTSMOUTH CITY COUNCIL MEETING**

Monday August 22, 2016

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday August 22, 2016 at 6:04 p.m., in the Council Chambers of the Municipal Building.

Mayor Jim Kalb called the meeting to order. A moment of silent prayer was observed followed by The Pledge of Allegiance to the Flag.

Roll Call showed the following members to be present:

Kevin W. Johnson	1 st Ward (Absent)
Jo Ann Aeh	2 nd Ward
Kevin E. Johnson	3 rd Ward
Jim Kalb	4 th Ward
Gene Meadows	5 th Ward
Thomas K. Lowe	6 th Ward

Also present was City Manager Derek K. Allen, City Solicitor John Haas, Auditor M. Trent Williams and City Clerk Diana Ratliff.

Councilman Kevin W. Johnson's absence was excused on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: ayes 5 – nays 0.**

Council dispensed with the reading of the Journal for the regular session of August 8, 2016 on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: ayes 5 – nays 0.**

Councilwoman Aeh motioned to add to the table, the legislation imposing a moratorium of six months on the issuance and processing of any permits allowing retail dispensaries, cultivators, or processors of medical marijuana within the City of Portsmouth, Ohio. The motion carried viva voce: **VOTE: ayes 5 – nays 0.**

Item added to
Agenda

There was no public hearing.

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS ON THE AGENDA

There was no one present that wished to address Council on items on the agenda.

LEGISLATION

The clerk gave a **third reading**, to an Ordinance repealing Section 351.10 – Bus Stops and Taxicab Stands of the Codified Ordinances of the City of Portsmouth, Ohio.

Councilman Kevin E. Johnson motioned that the Ordinance be passed.

Mayor Kalb stated that we're addressing the codified ordinances, but the Ordinance itself was still out there and in effect. He questioned if it were proper to repeal the ordinance so that the codifieds would reflect that the ordinance had been repealed because only the codifieds were being addressed and not the actual ordinance. Solicitor Haas said that didn't need to be done because it was codified. Councilwoman Aeh said if the ordinance wasn't repealed it would not be marked as repealed. Solicitor Haas stated that once it had been passed, it would be codified and the old ordinance would be merged into the new. He said that it would be up to the Clerk to pull the old ordinance and if there's additional work to be done it would be up to the Clerk to pull the uncodified ordinance. Mrs. Aeh said that the new Ordinance should reflect what ordinance was being repealed because unless it referenced an ordinance number, she (as clerk) never went back and repealed the ordinance. Solicitor Haas said this would repeal the ordinance. Councilman Kevin E. Johnson asked the City Clerk if she pulled the old ordinance once the new ordinance passes. Clerk Ratliff said only if a number was referenced, she would go back and pull the old ordinance and mark it with the update. Solicitor Haas stated that if someone were looking at the codified ordinances, the codifieds superseded anything that would be on file. Mayor Kalb said that the Ordinances contained the "Whereas's" and "Therefore's" and the wording on those were reduced down to codify, and added that the codified ordinances were like an index and if you want to know what the "Whereas's" and "Therefore's" were then you would refer back to the Ordinance on file. Councilman Meadows stated that in the Ohio Revised Code every time an ordinance was changed or amended, the bottom of that code would reference the effective and amended date and the history was consistently updated and if it was repealed, all it would say is "repealed". Mrs. Aeh asked if that went back to the original legislation and if someone went back to mark that it had been repealed. Mr. Meadows said it showed in the Ohio Revised Code as "repealed", he added that once the ordinance number was passed it would become that

Ord. #72-16
Repealing
Section
351.10 Bus
Stops and
Taxicabs
Stands

section of the ordinance and once that section of the code was repealed, then there would no longer be a section for it to refer back. Solicitor Haas said the enacting legislation would be the history and that the old ordinance wouldn't be in effect and it would only be a historical document at that point and would have no weight. Mayor Kalb said if the codified section was repealed, there would still be an ordinance in the Clerk's office that referred to that ordinance. Mrs. Aeh said there was a stamp in the Clerk's office that reads "amended by and the date" and when one of these comes out and you stamp the old one. She added that the section that's listed on the legislation was totally a different number and was not the number of the ordinance. Clerk Ratliff said that she does mark the old ordinances if there was a number referenced, but if there's no number, the old ordinance would not be marked. Mrs. Aeh said that was correct.

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **third reading**, to an Ordinance amending Section 927.02 Rates; Acceptable Waste; Private Wells of the Codified Ordinances of the City of Portsmouth, Ohio.

Councilman Kevin E. Johnson motioned that the Ordinance be passed.

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **third reading**, to an Ordinance amending Section 927.03 Rates; City's Rights Reserved of the Codified Ordinances of the City of Portsmouth, Ohio.

Councilman Kevin E. Johnson motioned that the Ordinance be passed.

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **third reading**, to an Ordinance repealing Section 927.07 – Connections to Sewerage System; Outside Toilets Prohibited of the Codified Ordinances of the City of Portsmouth, Ohio.

Councilman Kevin E. Johnson motioned that the Ordinance be passed.

Councilman Kevin E. Johnson asked Clerk Ratliff if the old ordinance would be marked as repealed and she replied that no ordinance number was referenced so nothing would be done other than being codified.

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **third reading**, to an Ordinance amending Section 927.08 Rules and Regulations; Authority of Mayor of the Codified Ordinances of the City of Portsmouth, Ohio.

Councilman Kevin E. Johnson motioned that the Ordinance be passed.

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **third reading**, to an Ordinance amending Section 123.02 Publication by Posting of the Codified Ordinances of the City of Portsmouth, Ohio.

Councilman Kevin E. Johnson motioned that the Ordinance be passed.

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **third reading**, to an Ordinance amending Section 123.03 Publication of Legal Notices of the Codified Ordinances of the City of Portsmouth, Ohio.

Councilman Kevin E. Johnson motioned that the Ordinance be passed.

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, the Ordinance was passed.**

**Ord. #73-16
Amend Section
927.02, Rates,
Acceptable
Waste, and
Private Wells**

**Ord. #74-16
Amend
Section
927.03 Rates,
City's Rights**

**Ord. #75-16
Repealing
Section 927.07
Connection to
Sewerage
System and
outside toilets**

**Ord. #76-16
Amend Section
927.08 Rules
and Regulations**

**Ord. #77-16
Amend
Section
123.02
Publication by
Posting**

**Ord. #78-16
Amend Section
123.03
Publication of
Legal Notices**

The clerk gave a **third reading**, to an Ordinance amending Section 151.03 Preparation of Studies, Reports and Urban Renewal Plans of the Codified Ordinances of the City of Portsmouth, Ohio.

Councilman Kevin E. Johnson motioned that the Ordinance be passed.

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, the Ordinance was passed.**

Ord. #79-16
Amend Section
151.03
Preparation of
Studies,
Reports and
Urban Plans

The clerk gave a **third reading**, to an Ordinance amending Section 151.06 Action by Planning Commission of the Codified Ordinances of the City of Portsmouth, Ohio.

Councilman Kevin E. Johnson motioned that the Ordinance be passed.

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, the Ordinance was passed.**

Ord. #80-16
Amend Section
151.06 Action
by Planning
Commission

The clerk gave a **second reading**, to an Ordinance authorizing the appropriation of \$90,789.81 from the unappropriated Community Development Department 243 Fund monies to BRLF-Loans Fund Line Item No. 243-689-5821.

Councilman Kevin E. Johnson motioned that this constitute a second reading.

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, a second reading was declared.**

The clerk gave a **second reading**, to an Ordinance authorizing the appropriation of \$40,000 from the unappropriated General Fund monies to Management Consultants Fund Line Item No. 101.119.5234.

Councilman Kevin E. Johnson motioned that this constitute a second reading.

There were no further questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, a second reading was declared.**

The clerk gave a **second reading**, to an Ordinance authorizing the City Manager to enter into an agreement with The Montrose Group to assist the City of Portsmouth in the creation of a Downtown Redevelopment District (DRD) in an amount not to exceed \$30,000 to be paid from Management Consultants Fund Line Item No. 101.119.5234.

Councilman Kevin E. Johnson motioned that this constitute a second reading.

Councilman Kevin E. Johnson asked the City Manager “what our bang for our buck” was for hiring Consultants and if it was a wise move. Manager Allen stated that they would be helping to create a downtown redevelopment district; tax increment financing would occur if someone would want to make an investment in the downtown districts and the money could be used to possibly provide incentive to a company or it could be used for infrastructure in the downtown. Manager Allen felt it was a wise move. Solicitor Haas stated that he had attended a meeting with the SOPA and representatives from the Montrose Group and they explained that if someone wanted to make an investment in the downtown area and a developer would come into the city, redo a building and increase the value which could be abated and they wouldn’t pay the taxes on the increased value of the property. This would be an alternative to the abatement and would allow the increase in the property tax which would be the City and County’s property tax and that money could be reused in the downtown development district. The money could be given back to the developer to immediately put back into a project or it could be identified for sidewalks or other infrastructure areas that might need to be improved around that project. He said it was a good program and we could be one of the first communities in Ohio to implement it. Solicitor Haas added that once the program was set up, City Council would make the decision as to how they want to contract with the developer of the project. Council could decide to give the tax money back to the developer to be reused in their development and apply it toward the improvements of that property or Council could choose to use the tax money to pave the streets or put new sidewalks down in that area and basically earmarks the increased tax revenues within that district and this would just be to set up the districts. Auditor Williams ask Solicitor Haas if the developer had the option of not paying the taxes as opposed to paying it and getting it back and Solicitor Haas said if they were to do the program they would get money up front that could be used right then instead of spreading out and not paying over 10 years. Manager Allen said the State Legislature set the program up to accommodate the improvement to the football Hall of Fame in Canton, Ohio and they didn’t want to create a law that was specific to only one person so they opened it up to communities.

The districts have to have a historic structure and if someone came in and made an improvement then you would capture the new tax revenue that didn't exist before and there would be a wide range of uses, but before any improvements were done an agreement would have to be reached with City Council. He would like to have it in place because Shawnee State was getting ready to do work on Chillicothe Street which was tax exempt but there were potential developments across the street on Chillicothe Street and he would like this to be in place to capture that and there were also people interested in redeveloping Second Street Mr. Johnson said that he looked up the Montrose group online and they were a very reputable company and encouraged Council to research the group. Councilman Lowe ask if it were for downtown only or could it be for anywhere and Solicitor Haas said it was for the downtown area only. Councilman Meadows stated that he liked the idea because at least the city was getting something out of it.

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, a second reading was declared.**

The clerk gave a **second reading**, to an Ordinance authorizing the City Manager to enter into an agreement with Brownfield Restoration Group, LLC to conduct a VAP Phase II Assessment and No Further Action Document in an amount not to exceed \$98,579.50 to be paid from New WTP Fund Line Item No. 606.771.5515.

Councilman Kevin E. Johnson motioned that this constitute a second reading.

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, a second reading was declared.**

The clerk gave a **second reading**, to an Ordinance authorizing the transfer of water revenue from Fund No. 603 to Fund No. 604 and from Fund No. 603 to Fund No. 606 and appropriate \$100,000 from Fund 606 to New WTP Fund Line Item No. 606.771.5515.

Councilman Kevin E. Johnson motioned that this constitute a second reading.

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, a second reading was declared.**

The clerk gave a **first reading**, to an Ordinance amending Section 125.03(d) - Procedures to Determine the Lowest and Best Bid for Construction of Public Improvements of the Codified Ordinances of the City of Portsmouth, Ohio.

Councilman Kevin E. Johnson motioned that this constitute a first reading.

Solicitor Haas stated that the State outlawed using local workforce agreements requiring local workforce in our bidding ordinances. He said that he left the information that required companies as part of their bid to report how many people they use from the area and where their workforce was drawn from. He said the Ordinance used to read "Anyone of the above factors could be used to reject the bid." He took out using the local workforce as the sole reason for rejecting a bid and was now State compliant and didn't repeal the whole ordinance as he felt that certain things should be left in.

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance amending Section 705.02 - Application and Issuance of the Codified Ordinances of the City of Portsmouth, Ohio.

Councilman Kevin E. Johnson motioned that this constitute a first reading.

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance amending Section 705.05 - Transferability of the Codified Ordinances of the City of Portsmouth, Ohio.

Councilman Kevin E. Johnson motioned that this constitute a first reading.

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance amending Section 705.09 - Renewal to Persons Discharged from Armed Services of the Codified Ordinances of the City of Portsmouth, Ohio.

Councilman Kevin E. Johnson motioned that this constitute a first reading.

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance amending Section 705.10 - Revocation of the Codified Ordinances of the City of Portsmouth, Ohio.

Councilman Kevin E. Johnson motioned that this constitute a first reading.

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance amending Section 705.11- Billiards and Pool of the Codified Ordinances of the City of Portsmouth, Ohio.

Councilman Kevin E. Johnson motioned that this constitute a first reading.

Mayor Kalb questioned why we weren't repealing this Section as the rest were being repealed and Manager Allen said that we're not repealing all of them. Councilman Kevin E. Johnson said that he thought it was supposed to be repealed. Manager Allen ask Council to Table until he could look at it and it was suggested to amend to repeal by Councilwoman Aeh.

Councilman Kevin E. Johnson motioned to amend the ordinance to "repeal" in the preamble and wherever else it appeared in the body of the legislation.

The role was called. **VOTE: 5 ayes – 0 nays, the ordinance was amended.**

Councilman Kevin E. Johnson motioned that this constitute a first reading as amended.

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance repealing Section 705.13- Roller Skating of the Codified Ordinances of the City of Portsmouth, Ohio.

Councilman Kevin E. Johnson motioned that this constitute a first reading.

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance repealing Section 705.14- Bowling Alleys of the Codified Ordinances of the City of Portsmouth, Ohio.

Councilman Kevin E. Johnson motioned that this constitute a first reading.

Mayor Kalb ask if it was necessary to name the Bowling Alleys and what the charges were and Solicitor Haas stated that it did not matter.

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance repealing Section 705.15- Shooting Galleries of the Codified Ordinances of the City of Portsmouth, Ohio.

Councilman Kevin E. Johnson motioned that this constitute a first reading.

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance repealing Section 705.16- Dance Halls of the Codified Ordinances of the City of Portsmouth, Ohio.

Councilman Kevin E. Johnson motioned that this constitute a first reading.

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance repealing Section 705.17- Night Clubs of the Codified Ordinances of the City of Portsmouth, Ohio.

Councilman Kevin E. Johnson motioned that this constitute a first reading.

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance repealing Section 705.18- Itinerant Street Musicians of the Codified Ordinances of the City of Portsmouth, Ohio.

Councilman Kevin E. Johnson motioned that this constitute a first reading.

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance amending Section 705.19 - Pushcarts for Collecting Junk of the Codified Ordinances of the City of Portsmouth, Ohio.

Councilman Kevin E. Johnson motioned that this constitute a first reading.

Councilman Kevin E. Johnson stated that noone that pushes a cart around would pay the \$50.00 per year fee and understood that those who push carts around do our city a service by picking up a lot of the things they could sell and the things we call garbage. Mayor Kalb said that it wasn't about collecting the fees but a tool for the Police to be able to check. Councilman Meadows respectfully disagreed with Councilman Johnson and said that he watched this everyday and sees them pass the Court House and his office and they're not picking up garbage, they're picking up stuff they've stolen or that they're not entitled to and taking it to the scrap yard. Most of the people pushing the carts don't have identification, so they get a friend to scrap it and they're making a whole enterprise out of it. He believed it to be a blight on the city having people pushing stolen shopping carts around. He said it was a tool to help get some of this cleaned up and get these people off the street, and if they want to be legitimate junk dealers, they need to set up a business, buy a pick up truck, knock on some doors and ask people if they have scrap they want hauled off and not to rummage through garbage cans at night and leave garbage laying on the ground and don't remove wire and copper piping from old abandoned buildings. Mrs. Aeh said that she put locks on her garbage cans simply because they would rip open the bags and leave a big mess. Councilman Kevin E. Johnson said he agreed with all of the points but he doesn't understand what charging \$50.00 had to do with a Policeman searching a cart or not searching a cart and would the City prosecute them if they didn't pay the \$50.00. Mr. Meadows said that if they hadn't paid their \$50.00 then it's illegal for them to be pushing a cart. Solicitor Haas said that his instinct tells him that the police have higher priorities than pushcarts.

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance repealing Section 705.20 - Household Movers; Fee; Records and Reports of the Codified Ordinances of the City of Portsmouth, Ohio.

Councilman Kevin E. Johnson motioned that this constitute a first reading.

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, a first reading was declared.**

The clerk gave a **first reading**, to a Resolution by the Portsmouth City Council imposing a moratorium of six months on the issuance and processing of any permits allowing retail dispensaries, cultivators, or processors of medical marijuana within the City of Portsmouth, Ohio.

Councilman Kevin E. Johnson motioned to adopt the Resolution.

Councilman Kevin E. Johnson asked the Solicitor for the legalities of the legislation. Solicitor Haas responded that Governor Kasich signed the bill legalizing medical marijuana in the State of Ohio which takes effect September 8, 2016. One of the issues was that the State of Ohio had not taken the first step in writing rules or regulating how business would be conducted. The City may or may not have an interest in regulating the activity within the City because we don't know the rules under State law, which made it difficult for cities to write legislation, zoning ordinances or ban it altogether until the rules were known. A lot of cities around the state were passing these moratoriums to give them time to figure out what the state was going to do; to analyze, put something together and pass it once the rules were in place. Mr. Johnson asked the Solicitor if he has had any inquiries regarding implementing medical marijuana other than the one inquiring about dispensing and Solicitor said "no". Councilman Meadows reminded Council that regardless what law the State passes or authorizes, the Federal law was still in place which says marijuana was illegal.

There were no questions or comments. **The role was called. VOTE: 4 ayes – 1 nays (T. Lowe), the Resolution was adopted.**

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

There was no one present that wished to address Council on items not on the agenda.

MISCELLANEOUS BUSINESS AND REPORTS:

City Clerk's Report – City Clerk Ratliff reported the following:

1. Received from the Ohio Division of Liquor Control three request as follows:
 - a) A stock change from Melini's of Portsmouth, LLC at 603 Chillicothe Street Portsmouth, Ohio.
 - b) The Party Connection at 2034 11th Street – Portsmouth, Ohio 45662 requesting a D3A permit.
 - c) Port City Café and Pub Inc. at 424 Chillicothe Street Portsmouth requesting a stock change.

There were no objections to the requests.

2. Received the Oath of Office for Police Officer John Christopher Dixon.
3. Prepared Proclamations for the following:
 - a) Prostate Cancer Awareness
 - b) National Senior Citizen's Day
 - c) Southern Ohio Senior Games

The City Clerk's report was received, filed and made part of the record, on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: 5 ayes – 0 nays.**

City Manager's Report – City Manager Allen reported the following:

1. His written report can be found on the city's website.
2. He met with Sara Anderson from the Ohio EPA Solid Waste Division along with Public Service Director Bill Beaumont to discuss the transfer station permit and the permit was approved. The end of August will be the first time we have to remit the \$4.75 per ton of refuse to the Ohio EPA which will be \$75,000-\$90,000 per year.
3. He participated in the Land Bank meetings.
4. He hired his first AFSCME employee since beginning his work with the city. Lucas May was hired on August 1st to work at the cemetery to fill the vacancy of retiree Jon Blevins.
5. He hired and swore in Officer James Bell to fill the vacancy of retiree Jimmy Charles. He also hired and swore in Chris Dixon to fill the upcoming retirement of Carl Compton who will be retiring at the end of the year. Mr. Dixon will be attending the Police Academy to obtain a peace officer's certificate.
6. The City received \$60,000 of the \$199,000 in grant funding for the Scioto Trail and Kinneys Lane.
7. The line that went from the 17th pump station under the levee to the Scioto River has been repaired.
8. The drainage project at 27th Street and Grandview was completed at a cost of \$10,000.
9. The telemetry device at 23rd and Grandview was installed and worked for 24 hours and they've had problems with it and were waiting on the contractor to come back and figure out how to get it to communicate consistently with the plant.
10. The emergency trough repair at the Water Plant was ongoing.
11. Part of the water main was being replaced due to the Scioto County Engineer's office reconstruction of Washington Boulevard in West Portsmouth.
12. The resurfacing began last week and hopefully will be done within a week.
13. Columbia Gas requested to cut the streets at 25th and Grandview which was just paved last year and he told them "no" as they never had brought that up in the past, the discussion was always around Mound Park.
14. ODOT moved up the bid date to August 25th for the rock removal along US 52.

Liquor License for Melini's of Portsmouth, Port City Pub and Party Connection

Oath of Office Police Officer John Dixon

Proclamations Prostate Cancer Awareness, National Senior Citizens Day, Southern Ohio Senior Games

15. Thermo-plastic project was completed.
16. Insurance checks were received and repairs made to the guardrail that was damaged by two different drivers.
17. The replacement bulbs have arrived and will be changed as manpower permits.
18. The staff was supposed to go out Thursday or Friday to record all of the AEP lights that were out.
19. The water rates will increase 8% effective October 1, 2016 collectible in November. There were two reasons we had to act: 1. After the meeting with the representatives of the State Auditor's office, they expressed concerns about the deficit condition of two of the three water funds and part of the recovery plan was that he would raise the water and sewer rates and it was explained to them about the amount of people who were delinquent with their bills. 2. The city made application for a loan design for the Sunrise Reservoir water main replacement and they rejected the loan request because we couldn't show that we could pay the loan back.
20. He went to a meeting with ODOT and was informed of the intent to close the Grant Bridge on August 29th for two months. In prior discussions, they had said they were going to leave the bridge open and maintain traffic but they said that was miscommunicated. He had conversations with ODOT about them communicating to the public regarding the closure.
21. He made Council aware that the State had been pushing for municipalities and local governmental jurisdictions to combine services which was one of Governor Kasich's initiatives and as part of that, the city could no longer apply for the CHIP grant. In the 2015 the CHIP program submitted no application because we couldn't come to an agreement with the County because the County wanted all of the city's administrative money. There were discussions and they weren't willing to budge, so there was no joint application submitted in 2014 for 2015 and neither county nor city got the CHIP grant. They realized that without a joint application they weren't going to be funded, at that point there was a lot of discussion and negotiation, and then the day he left for Honduras and was out of communication, everything got turned and they finally came to an agreement. We were going to give some of the administration money to the county because the county was the agency who submitted the application, he was uncomfortable with that but the State required the County be the entity that submitted in a joint venture. The City never got to see the application and the city's consultant offered to assist the county and the consultant told us several times that they felt the way the application was being done that we may not get funded, but we never got to see it. In grant writing 101, everything must be turned in and to say that it was only one piece of paper was unacceptable and anyone who wrote or applied for grants knew to submit everything or it got rejected. There had been some criticism of our Community Development Director for saying that they scored a "zero" but that was what we were told by the people in Columbus. We've asked for a copy of the application and if we don't get it, we will make a public records request which would be bizarre since we're partners. The city had nothing to do with the failure to obtain the CHIP grant. He said that he voted against having the Land Bank application completed by the County Commissioners office because he wanted SOPA to complete it since they had done the work. He hoped that lessons were learned so we could move forward and were successful in the land bank application.

Councilman Kevin E. Johnson thanked the Manager for saying "no" to Columbia Gas because too many times newly paved streets are cut up. He requested an update on Sunrise Avenue the first block off of Kinneys Lane. Manager Allen said that he would check as he thought the paving company would be patching it. He asked how we were handling the 2,700 delinquent water accounts and was it residential or commercial, Manager Allen said that usually we shut the water off, but with limited staff, there was no way he could shut off 2,700 water valves. They would begin to shut off the utility accounts (water, sewage, trash) and he wasn't sure of the breakdown between residential and commercial. Mr. Johnson also asked about the officer that was hired (Mr. Dixon) and if it was standard procedure for us to hire someone prior to them having a peace officer certificate. Manager Allen said that some do and some don't but that it wasn't unusual. Mr. Johnson asked about the CHIP application and if there was a missing document regarding asbestos removal and Manager Allen said it was for Lead Abatement License. He said that it's the same as when you were in school, if you didn't turn your homework in, you got zero because it was incomplete. Mr. Meadows said that grant applications were precise and must be completed exactly as instructed. Mr. Johnson said that since we were incomplete on the CHIP grant, should we expect better on the Land Bank program and Manager Allen said he hoped so because it's millions of dollars.

The City Manager's report was received, filed and made part of the record, on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: 5 ayes – 0 nays.**

Mayor's Report – Mayor Kalb reported the following:

1. He observed the eastbound US 52 paving project and the patching was being done with asphalt, however when the city dug up a water line, they were required to use concrete. Manager Allen said that they were using asphalt to repair the base and which was ODOT's specifications.

The Mayor's report was received, filed and made part of the record, on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: 5 ayes – 0 nays.**

City Solicitor – Solicitor Haas reported the following:

2. He reiterated Mr. Allen's comments regarding the CHIP grant. He said he distinctly remembered certain demands being made and a request from one of the Commissioners stating that they needed an answer within 24 hours on who's going to do the application, knowing that Manager Allen was out of the country. The county insisted that they take the reins and didn't ask for any help, although help was offered. The City's consultant actually offered to do the application for free for the County just to make sure we had the best chance to get some funding and all that help was rejected. He said there was more than just one form missing that caused the rejection of the grant application. He had concerns over the Land Bank application because the City had 45 houses on the list that could be torn down with that money. It wasn't just for tearing them down but to landscape and to pay companies to maintain those lots for the city so that they don't get overgrown like some of the properties that the city had torn down over the last couple of years. The Land Bank deal was huge because it would mean millions of dollars coming into the county. His concern was that the SOPA worked on it, set it up, and had the outline and everything ready to go with the help of the City Health Department who had run our land reutilization program for years and had the experience. Jason Kester of SOPA had outlined and gone to various classes and seminars on how to set a land bank up and all the steps necessary and how to run one and all of that was thrown out the window when the Commissioners insisted that the County handle the Land Bank application as well. He was at the meeting when that decision was voted upon and Mr. Allen was the only one that voted "no". He said there were several speakers at that meeting and every one of the speakers said it should be SOPA and the City of Portsmouth handling the application process and helping to run the program. He hoped that it worked out because as it stands now, the city had absolutely no input on the application or the steps that were involved but it would be a great loss if this grant also failed. Mayor Kalb asked if there were any steps that we could be more assured that it would work out and could we take a "no confidence vote" in our partner. Solicitor Haas said, they've been offered all the help from SOPA and from the City consultant and it was a private corporation and he added that the members of the Board are: Manager Allen, two County Commissioners (Bryan Davis and Doug Coleman), Bill Ogg was the Treasurer and a gentlemen from Clay Township who was a trustee. The City's role in that Board is one vote of five, but a lot of the information that they're using to apply for money was based on the work that the city had done through the Land Reutilization program, but we have no say in the matter.

The City Solicitor's report was received, filed and made part of the record, on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: 5 ayes – 0 nays.**

Auditor Williams – Auditor Williams reported the following:

1. He reviewed his written report that he had given to Council as follows:
 July's General Fund was \$1,144,859 which was \$376,198 more than last year in the same month and the accumulated amount compared to last year was \$1,645,359 and of that amount \$257,581 was from the new tax revenue. Total collection included in both General and Capital was \$1,301,438 which was \$397,123 above last year and a total collection of \$1,730,906 above last year. Major Fund Balances – General Fund \$1,007,452, Streets \$290,464, Water -\$252,880, Sewer -\$1,444,664, Sanitation \$611,100 and Insurance \$606,024.

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

1st Ward – Councilman Kevin W. Johnson had no report due to absence.

2nd Ward – Councilwoman Aeh had no report.

3rd Ward – Councilman Kevin E. Johnson reported the following:

1. He thanked the City Manager for the time spent working on Ordinance code cleanups.
2. He thanked those that attend the Council meetings.

5th Ward – Councilman Meadows reported the following:

1. He received a call from a resident on Daniels Drive stating that there were no storm sewers on that drive but there was a ditch line that had historically helped the flow of water off that drive and it had been quite some time since the ditch line had been cleaned out and when there's a heavy rain, it flooded the yards and washed out driveways. He said that she told him, when it was cleaned the last time, they scooped it up and dumped it into the yard of her 91 year old mother-in-law.

6th Ward – Councilman Lowe reported the following:

1. He thanked Mr. Duncan for a culvert on Wilson Avenue.

2. He asked the timeline on the Bonser paving project. Mr. Allen hoped it was this week.
3. He asked if we were charging landowner of the railroad cross-ties that were removed by the city after the City requested the landowner to remove them, Manager Allen said that he would get with the Solicitor to determine if the owner should be assessed.
4. He requested a speed limit sign for the 1700 of Valley Street in North Moreland.
5. He had received a bunch of call regarding the old people that live on Valley Street and their property line backs up into Munn's Run, the creek is grown up and he had pictures from the flood of 1997 because it was clogged up from debris, it flooded and there is a problem in that area and people were wondering why we're not taking care of it like we used to. He said the Auditor owns property on that Street and can verify everything that he said. Auditor Williams said that it used to be clean out every two to three years and it's been a little longer than that now.

The meeting adjourned at approximately 7:30 p.m. on a motion by Councilman Kevin E. Johnson.

City Clerk

Mayor